

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

3COM CORP, No C 03-2177 VRW

Plaintiff, ORDER

v

D-LINK SYSTEMS, INC,  
Defendant,

REALTEK SEMICONDUCTOR CORP,  
Intervenor.

On November 21, 2005, in response to a letter from  
counsel for intervenor Realtek Semiconductor Corp ("Realtek"), the  
court referred to Magistrate Judge Bernard Zimmerman a dispute  
regarding "plaintiff's alleged non-compliance with Pat L R 3-1(c)  
and 3-2(b)." Doc #277 at 1. Although counsel's letter requested  
that the court strike newly accused products from 3Com's amended

1 preliminary infringement contentions, the court did not include  
2 this dispute within the scope of matters referred to Magistrate  
3 Judge Zimmerman.

4           The parties nonetheless presented the issue of the newly  
5 accused products to Magistrate Judge Zimmerman, and Magistrate  
6 Judge Zimmerman denied Realtek's motion to strike. Doc #286.  
7 Because the court did not refer this particular dispute to  
8 Magistrate Judge Zimmerman, his order denying Realtek's motion to  
9 strike is hereby VACATED. The court in no way faults Magistrate  
10 Judge Zimmerman; the order of referral could have been clearer  
11 regarding its scope.

12           Plaintiff 3Com Corp ("3Com") is ORDERED TO SHOW CAUSE why  
13 Realtek products not named in 3Com's original preliminary  
14 infringement contentions should not be stricken in light of (1) Pat  
15 L R 3-7, (2) 3Com's representations to the court during the further  
16 case management conference held on June 21, 2005, and (3) the  
17 understandings of the parties and their counsel when drafting the  
18 stipulated proposed discovery order, Doc #269. 3Com's submission  
19 shall not exceed 12 pages and shall be filed on or before January  
20 31, 2006. No briefing is requested of Realtek, as its position has  
21 already been stated in its objections to Magistrate Judge  
22 Zimmerman's order denying its motion to strike.

23  
24           SO ORDERED.

25  
26 

27 VAUGHN R WALKER

28 United States District Chief Judge